

ZB# 92-17

Thomas & Claire Reed

25-5-33

Prelim:

June 8th 1992

Motion to sched. Pitt.

June 22, 1992

Copy of Reed's letter

② " Title Report here

Notice to Sentinel

on 6/10/92 ✓

Variance
for Area
Granted
on 6/22/92

Attorney's Time:

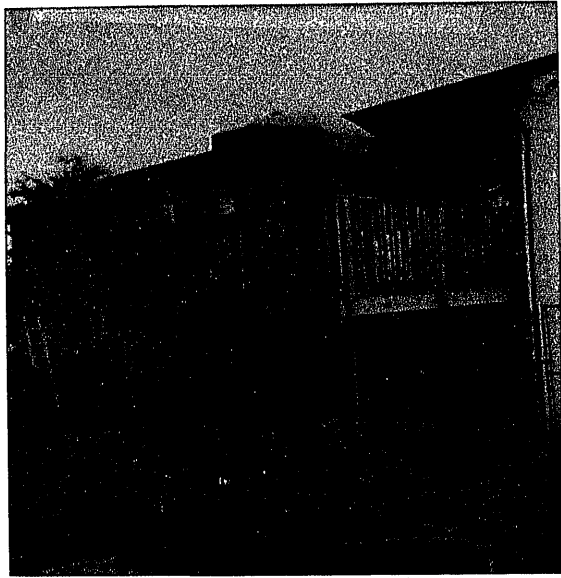
1.4 hrs.

Total \$ 5.00

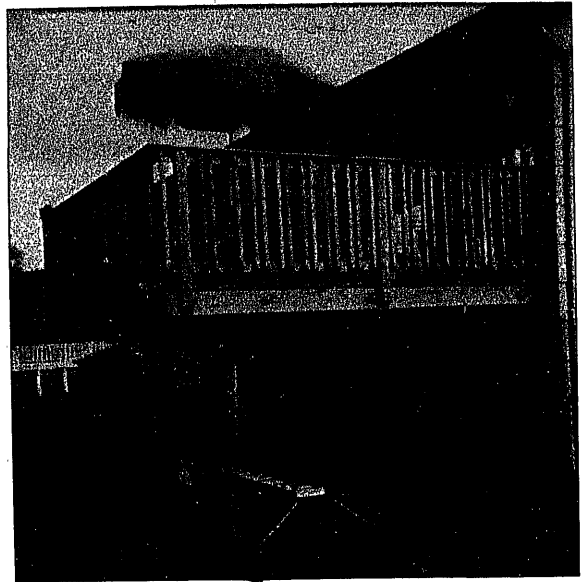
✓ Paid

8/10/92

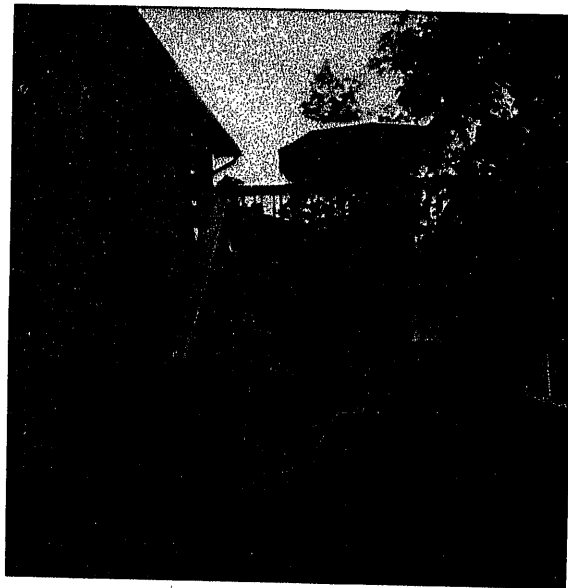
#92-17- Reed, Thomas & Clare



92-17



92-17

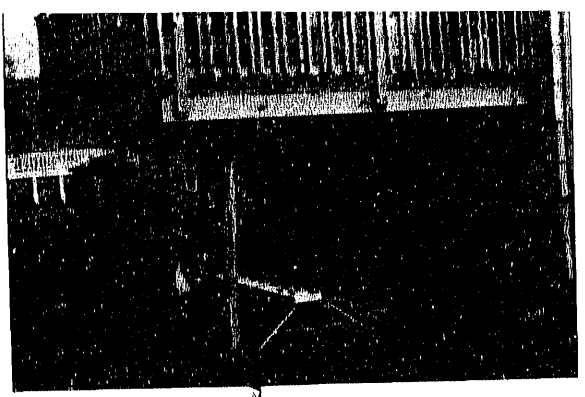


92-17

Nary



92-17



92-17



92-17

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12769

Received of Clare M. Reed

July 21, 19 92
\$ 50⁰⁰/₁₀₀

Fifty and ⁰⁰/₁₀₀ DOLLARS

For Variance fee (#92-17)

DISTRIBUTION:

FUND	CODE	AMOUNT
Check # 2159		\$ 50 ⁰⁰ / ₁₀₀

By Pauline J. Towns

Town Clerk

Title

Cliff Doyle, Clerk - Mary

(914)563-4630

Date: July 27, 1992
FAX: 914-~~563-4693~~

Clare Reed

RE: ZONING BOARD OF APPEALS - APPLICATION # 92-17

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 5.60. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

Patricia A. Barnhart

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Reed, Thomas & Clare

FILE # 92-17

RESIDENTIAL: \$50.00 paid

COMMERCIAL: ~~\$150.00~~ paid

APPLICATION FOR VARIANCE FEE \$ 50.00 paid

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 paid

DISBURSEMENTS -

STENOGRAPHER CHARGES:

6/8/92 PRELIMINARY MEETING - PER PAGE : 6/8/92 - 5 pages \$ 25.50
2ND PRELIM. MEETING - PER PAGE \$
3RD PRELIM. MEETING - PER PAGE \$
6/22/92 PUBLIC HEARING - PER PAGE 6/22/92 - 5 pages \$ 22.50
TOTAL \$ 45.00

ATTORNEY'S FEES:

PRELIM. MEETING- .1 HRS. \$
2ND PRELIM. P.H. - .3 HRS. \$
3RD PRELIM. HRS. \$
FORMAL DECISION 1.0 HRS. \$

TOTAL HRS. 1.4 @ \$ 150.00 PER HR. \$ 210.00
TOTAL \$ 210.00

MISC. CHARGES:

_____. \$
TOTAL \$ 255.00

LESS ESCROW DEPOSIT . . . \$ 250.00
(ADDL. CHARGES DUE) . . . \$ (5.00) due.
REFUND TO APPLICANT DUE . \$

THOMAS M. REED
CLARE M. REED
506 BALMORAL CIR.
NEW WINDSOR, NY 12553

2759

1-8625
210

PAY TO THE
ORDER OF

John A. Reed

June 1 19 *92* \$ *50.00*

DOLLARS

CITIBANK

CITIBANK, N.A. BR #625
ROUTE 32
CENTRAL VALLEY, NY 10917

MEMO

vacation fee #92-17

Clare M. Reed

⑆02⑆000089⑆ ⑆2050902⑆ 2759

THOMAS M. REED
CLARE M. REED
506 BALMORAL CIR.
NEW WINDSOR, NY 12553

2760

1-8625
210

PAY TO THE
ORDER OF

John A. Reed

June 8 19 *92* \$ *250.00*

DOLLARS

CITIBANK

CITIBANK, N.A. BR #625
ROUTE 32
CENTRAL VALLEY, NY 10917

MEMO

vacation fee - vacation 92-17

Clare M. Reed

⑆02⑆000089⑆ ⑆2050902⑆ 2760

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

CLARE REED,

DECISION GRANTING
AREA VARIANCE

#92-17.

-----X

WHEREAS, CLARE REED, 506 Balmoral Circle, New Windsor, N.Y. 12553, has made application before the Zoning Board of Appeals for a 7 ft. rear yard variance in order to construct a roof over an existing deck on property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 22nd day of June, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant, CLARE REED, appeared in behalf of herself and spoke in support of the application; and

WHEREAS, there was one spectator present at the public hearing. Mr. Louis Lopez of 518 Balmoral Circle appeared but did not speak for or against the application before the Board; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations with regard to rear yard in order to construct a roof over an existing wooden deck attached to the applicant's residential dwelling in an R-4 zone.

3. The evidence presented by the applicant indicated that when applicant purchased the residential dwelling she assumed that the deck was in compliance with the building code and proceeded to construct a new deck to replace the old one. The new structure was two (2) feet longer.

4. The evidence presented by applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order for applicant to render the deck a legal structure, which otherwise would conform to the bulk regulations

in the R-4 zone.

5. It appeared from the evidence presented on behalf of the applicant that the house was constructed in 1974. The prior deck was constructed at that time or thereafter but no certificate of occupancy was ever obtained for the deck. The applicant purchased the property in 1987 and assumed that the deck complied with the building code. Some 2-3 years ago the applicant replaced that prior deck with the deck which now exists upon the property. This new deck was constructed some 2 feet longer than the prior deck. Applicant now seeks to put a roof on this deck and discovered that the deck is located in the required rear yard.

6. The evidence submitted by the applicant further indicated that many of the neighboring properties have decks on lots of similar size.

7. This Board notes, and the applicant was advised at the public hearing, that this Board's decision to grant the applicant a 7 ft. rear yard variance, and thus permit the applicant a 33 ft. rear yard where a 40 ft. rear yard is required by the applicable bulk regulations in the Zoning Local Law, has no effect upon, and cannot vary, the requirement on Filed Map #2996 that lots shown thereon, including the applicant's lot, are required to have a 35 ft. minimum rear yard.

8. The evidence presented by applicant substantiated the fact that applicant cannot conform to the bulk regulations for rear yard unless she decreases the size of the existing deck. If applicant decreases the size of the existing deck she will suffer a monetary loss because it would be economically unfeasible to do so since a smaller deck would detract from the house and would be too small, when roofed over, to be an economically viable room.

9. It is the finding of this Board, from the evidence submitted by the applicant, and it appears that the applicant would suffer significant economic injury from the strict application of the bulk regulations because at the time of purchase of the property, applicant did not realize that the deck was an illegal structure. Two or three years ago applicant decided to replace the old deck with a new structure which was two (2) feet longer.

10. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling her to the requested area variance.

11. The requested variance will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

12. There is no other feasible method available to applicant which can produce the benefits sought other than the variance procedure.

13. The requested variance is not substantial in relation to the bulk regulations for rear yard.

14. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

15. The difficulty the applicant faces in conforming to the bulk regulations is partially self-created in that applicant enlarged the size of the prior deck without consulting the applicable bulk requirements for rear yard. However, it is the finding of this Board that this partially self-created hardship shall not preclude the granting of the area variance sought because the applicant erroneously believed, in good faith, that the prior deck, which she was replacing and enlarging slightly, was a legal structure.

16. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

17. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

18. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

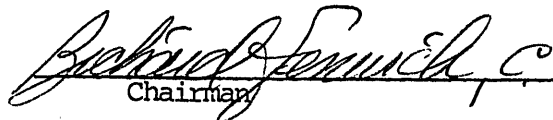
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 7 ft. rear yard variance sought by applicant in order to construct a roof over an existing wooden deck in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 27, 1992.

(ZBA DISK#6-053085.FD)


Chairman

Date 7/13/92, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550**

TO Frances Roth 389 Morris Hill Rd DR.
New Windsor NY 12550

DATE		CLAIMED	ALLOWED
7/32/97	Zoning Board Meeting	75 00	
	Minutes - 4 pgs	184 50	
	Agenda - 20 pages	259 50	
	Sortellie - 5 "		
	Printed / Document - 6 "		
	Printed - 2 "		
	Reed - 5 " <i>Richard Fenwick, C.</i>		
	22.50		

PUBLIC HEARING: REED, THOMAS & CLAIRE:

MR. FENWICK: Request for 7 foot rear yard variance to construct roof over wooden deck at 506 Balmoral Circle in R-4 zone.

Claire Reed came before the Board representing this proposal.

MR. FENWICK: You have to go through the same thing all over again because now it's for the record.

MRS. REED: Okay, we replaced the original deck on the house with a deck that is 2 feet longer, so I'm now 7 feet violation and I want, I found this out when I wanted to put a roof over it and screen in the side of my deck.

MR. LUCIA: Thank you for dropping off the copy of your deed and title policy. It turned out one thing may be a problem, the Schedule B Item 11 of your title policy turns out certain requirements on the filed map Number 2996 which is the subdivision map on which your lot originally was filed.

That map apparently had certain setback requirements. One of which was a 35 foot minimum rear yard. You are now applying for a 33 foot rear yard so now you're 2 feet beyond what the filed map in Goshen says the lots that were in this neighborhood were allowed. That's not determinative on this Board, this Board could grant you a variance for the 33 foot rear yard you're seeking, the problem is even if the Board granted you a, the variance you might be legal with the Town of New Windsor but you aren't complying with the filed map requirements.

Therefore, theoretically anyone who has the benefit of those could bring a proceeding against you to say that your deck is in violation. So, it puts you in a box that this Board can't get you out of. It's a factor the Board can consider and I'm not going to comment on one way or the other on how the Board would vote, given the fact that you're applying for a variance that violates the filed map requirement but it's a problem we're going to have to deal with. I think the Board probably is going to want you to comment on it but regardless of the

outcome before this Board, it may still be a problem that goes on long after this variance is --

MRS. REED: I'm not clear on the difference between where the 35 versus 40 is.

MR. LUCIA: Considered that it is your deed, you have in your deed certain restrictions saying that you can or can't do certain things with property. So filed map is just like a deed. The filed map says you can't have a rear yard that's less than 35 feet so anyone who owns the property that came out of the same chain of title, let's say anybody who's shown on subdivision map, I don't know how big the subdivision was can come in and object and say our subdivision map says you cannot have a rear yard less than 35 feet. You have a 33 foot rear yard, therefore you are in violation of this requirement on the filed map and can bring a proceeding to have you remove the two feet off the deck.

MRS. REED: Only if somebody --

MR. LUCIA: That is completely aside from the Zoning Board, Zoning Board only deals with town zoning which is 40 feet. So, you need a 7 foot variance to put in the 33 foot rear yard. The Board can grant that. The Board is not bound by the filed map, even if you get the zoning variance, it doesn't clear you with the problem that still is going to continue to exist with the filed map restriction.

MRS. REED: Okay.

MR. TORLEY: What is the protocol problems? How frequently does such a matter come up with someone complaining about a deck?

MR. BABCOCK: We have had sheds removed.

MR. LUCIA: I think it's a possibility if it happens long into the future after she has roofed the deck and closed it in and spent a lot of money, real expensive to remove.

MR. TORLEY: I'm glad you brought that up, something beyond the minimum requirements of what the Zoning Board, we're trying to help the people make sure they are not going to get screwed later on.

MRS. REED: Say the Zoning Board passes it and now I'm liable to Goshen.

MR. LUCIA: Your neighbors or to anybody who has property out of that chain of title.

MRS. REED: First of all, if it's only a problem with my neighbors, I'll definitely take my chances because I'm the only idiot who has gone for a variance. Everybody says I'm out of my mind. I'm not supposed to say I know nobody is going to give me a hard time and I don't take chances but say none of my neighbors give me a problem, is it a problem selling the house?

MR. LUCIA: It may well be because those same restrictions are turned out by the title company so it could be that although your purchaser may have the same view I don't care the bank may not give them a loan so potentially, yes it is a problem.

MR. KONKOL: The fact that you do have a variance together with a little bit that you did try and do the right thing will weigh pretty heavily. That's going to have a lot of weight.

MR. FENWICK: If you get the variance --

MRS. REED: If I do get the variance and if I want to sell the house and it's a problem or forget that, if I get the variance is then there somebody else now I go to meetings for to get the other things or is that written in stone never can be changed?

MR. LUCIA: No, it can be changed. You'd have to get a title search and find out who's in the same chain of title, it may be, I have no idea how big a subdivision it is. Let's say for sake of argument 20 lots were, 20 lots if you get all 20 people to sign off and say they don't mind that you have 33 rather than 35 feet, you are free and clear forever.

MRS. REED: Is that expense, title search?

MR. LUCIA: It really depends on, you know, you doing the legwork and the legal work is probably not really expensive, it's more matter of physically getting everything to sign off on and their banks.

MRS. REED: You have to pay for this list too, not you, whoever has to give me the title?

MR. LUCIA: You have to buy a title search.

MR. TORLEY: You can do it yourself.

MR. LUCIA: With difference to Mr. Torley, I'd employ a professional, you have to determine who has liens, who their banks are, if they have judgments or liens they also may have interest in the property so it's like it's a big deal if you, if everybody signs off on it and then it's gone.

MR. FENWICK: Let's continue, we know what our situation is.

MR. NUGENT: If it comes down to it, saw 4 feet off.

MR. LUCIA: Another possibility, I can't give you legal advice, you might be able to get a title company to write an affirmative insurance even though you're in violation if you have gone to the trouble of getting a zoning variance and if the Zoning Board approves it, they might write insurance, they might. That is saying even though you're in violation. They may not do it and they certainly would charge you for it. You certainly can make it comply 2 feet maybe it's cheaper just to revise your plan.

MR. FENWICK: Let's get rolling because she's paying for this page by page.

MRS. REED: I know, I thought of that.

MR. FENWICK: Any other comments from the Members of the Board? I'll open it up to the public. Anyone in the audience that has any comments? At this time, I'll close it.

MR. LUCIA: I don't know if you're considering applying for a smaller variance, this is the time to do it. In other words, if you're considering going to comply with the 35 feet and you only want 5 instead of 7, this is the time to say so.

MRS. REED: I have to say which one right now?

MR. LUCIA: The Board is going to do one or the other.

MR. TORLEY: If they grant 5 foot and she puts up 3, it's okay?

MR. FENWICK: If we grant her 5 foot variance, she's going to --

MR. NUGENT: Go for the 7.

MRS. REED: If I get a 7, I'm okay.

MR. FENWICK: Go for the 7.

MR. NUGENT: Then you're covered.

MR. FENWICK: Any other comments from the Members of the Board? Public hearing is now closed.

MR. TANNER: I move we grant the variance.

MR. KONKOL: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

Lawyers Title Insurance Corporation
National Headquarters
Richmond, Virginia

Policy Number

47-00-045534

LAWYERS TITLE INSURANCE CORPORATION, in consideration of the payment of its premium for insurance insures the insured named in Schedule A against all loss or damage not exceeding the amount of insurance stated in Schedule A and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises or by reason of liens or incumbrances affecting title at the date hereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby, or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, incumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise.

IN WITNESS WHEREOF the Company has caused this Policy to be signed and sealed, to be valid when Schedule A is countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Lawyers Title Insurance Corporation

Robert C. Dawson

President

Attest:

Robert C. Dawson

Secretary

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

POLICY OF TITLE INSURANCE SCHEDULE A

AMOUNT
\$ 148,500.00.....

DATE OF ISSUE
June 23, 1987.....

NAME OF INSURED

THOMAS REED and CLARE MARIE REED, his wife

The estate or interest insured by this policy is ~~a fee simple~~

vested in the insured by means of deed made by Harry G. Smeenk to the Insured, dated April 16, 1987 and duly recorded in the Orange County Clerk's Office.

The premises in which the insured has the estate or interest covered by this policy

SEE DESCRIPTION ANNEXED

Countersigned:


Authorized Officer or Agent

Issued at

GOSHEN, NEW YORK
87BE260986

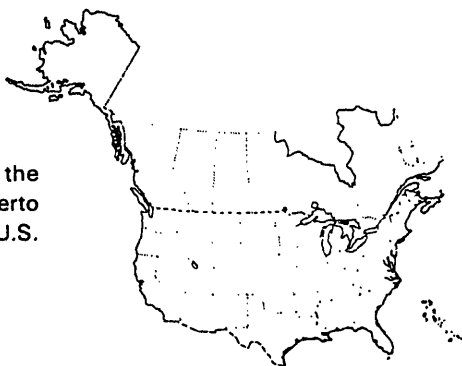
Page 1 of Sched. A—Pol. No.

47-00-045534

DESCRIPTION

ALL THAT CERTAIN PLOT, piece or parcel of land, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being shown and designated as Lot #47 on a filed map entitled "Plan of Subdivision Parklawn", Town of New Windsor Orange County, New York made by Eustance & Horowitz, P.C., dated 10/11/72, revised 2/20/73, revised 2/21/73 and filed in the Orange County Clerk's Office on 5/22/73 as filed Map No. 2996.

Service available throughout the United States, Canada, Puerto Rico, the Bahamas, and the U.S. Virgin Islands.



National Division, Branch and Agency offices and Approved Attorneys are located throughout the operating territory.

Lawyers Title Insurance Corporation

National Headquarters — Richmond, Virginia

Policy
of
Title Insurance

Lawyers Title
Insurance Corporation
National Headquarters
Richmond, Virginia

A word of thanks to our insured

As we make your policy a part of our permanent records, we want to express our appreciation of this evidence of your faith in Lawyers Title Insurance Corporation.

There is no recurring premium.

This policy provides valuable title protection and we suggest you keep it in a safe place where it will be readily available for future reference.

If you have any questions about the protection provided by this policy, contact the office that issued your policy or you may write to:

Consumer Affairs Department
Lawyers Title Insurance Corporation
P.O. Box 27567
Richmond, Virginia 23261

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS — RICHMOND, VIRGINIA

POLICY OF TITLE INSURANCE

SCHEDULE B

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any non-compliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to by or with the privity of the insured.
5. Title to any property beyond the lines of the premises or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
5. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.
7. Mortgage made by the Insured to Norstar Bank of the Hudson Valley, N.A., in the principal sum of \$133,600.00, dated June 23, 1987, recorded June 26, 1987 in Liber 2716 mp. 287.
8. Survey made by Vincent J. Doce, dated November 8, 1985, shows the following: 1) dwelling; 2) macadam driveway serving same from Balmoral Circle; 3) wood rail fence located outside southeasterly line of premises and within bounds of Balmoral Circle; 4) wood rail fence running along portion of northwesterly line; 5) chain link fence running from dwelling to northwesterly line and along same; 6) chain link fence running along northwesterly line; 7) chain link fence running along southeasterly line and from southeasterly line to dwelling; 8) wood rail fence running along and within portion of southeasterly line; 9) pool located within bounds.
9. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which the premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.
10. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain and repair the same.
11. Filed Map No. 2996 shows the following: 1) 30' minimum front yard setback; 2) 12' minimum side yard; 3) 30' minimum both side yards; 4) 35' minimum rear yard.

6/22/92 Public Hearing - Reed

Name:

Address:

Miss [unclear]
[unclear]
[unclear]

518 Belmont Court.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

65

June 10, 1992

Thomas & Clare Marie Reed
506 Balmoral Circle
New Windsor, NY 12553

Re: Variance List 500 ft./ 25-5-33

Dear Mr. & Mrs. Reed:

According to our records, the attached list of property owners are within five hundred (500) ft. of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00. Please remit balance of \$60.00 to the Town Clerk's Office.

Sincerely,

L. Cook

LESLIE COOK
Sole Assessor

LC/cad
Attachment
cc: Pat Barnhart

Carfizzi, Santa ~~+~~
56 Birchwood Dr.
New Windsor, NY 12553

Spreer, Robert J. & Eleanor
54 Birchwood Dr. ~~X~~
New Windsor, NY 12553

Souppa, Joan ~~X~~
52 Birchwood Dr.
New Windsor, NY 12553

Callahan, Edward F. & Patricia M.
50 Birchwood Dr. ~~X~~
New Windsor, NY 12553

Lyons, John P. & Aila D. ~~X~~
48 Birchwood Dr.
New Windsor, NY 12553

Parker, Clifton L. & Nuang ~~X~~
46 Birchwood Dr.
New Windsor, NY 12553

Beltempo, Joseph I. & Josephine E.
44 Birchwood Dr. ~~X~~
New Windsor, NY 12553

Brodow, Edward J. & Catherine H.
40 Birchwood Dr. ~~X~~
New Windsor, NY 12553

Bardin, John P. & Bette J. ~~X~~
38 Birchwood Dr.
New Windsor, NY 12553

Town of New Windsor ~~X~~
555 Union Ave.
New Windsor, NY 12553

Leombruno, Bruno A. & Donna M.
116 Glendale Dr. ~~X~~
New Windsor, NY 12553

Puccio, Frank & Diann ~~7~~
118 Glendale Dr.
New Windsor, NY 12553

Brown, Howard A. & Estelle ~~X~~
120 Glendale Dr.
New Windsor, NY 12553

Costello, Stephen J. & Katherine A.
122 Glendale Dr. ~~X~~
New Windsor, NY 12553

Feeney, Richard M. & Janeen B.
124 Glendale Dr. X
New Windsor, NY 12553

Hamel, Richard E. & Donna
126 Glendale Dr. X
New Windsor, NY 12553

Kolpan, Ben & Pauline
128 Glendale Dr. X
New Windsor, NY 12553

Ahmed, Mahmood & Meher X
113 Glendale Dr.
New Windsor, NY 12553

Redder, Edward L. & Lynn R.
115 Glendale Dr. X
New Windsor, NY 12553

Sobel, Howard & Rochelle
402 Carlton Circle X
New Windsor, NY 12553

Silver, Robert & Ronnie X
404 Carlton Circle
New Windsor, NY 12553

Coopersmith, Gary & Karen
406 Carlton Circle X
New Windsor, NY 12553

Naclerio, Christine L. X
408 Carlton Circle
New Windsor, NY 12553

Kreeger, William X
410 Carlton Circle
New Windsor, NY 12553

Catania, Vincent & Kathleen X
411 Carlton Circle
New Windsor, NY 12553

Clinton, Sally X
409 Carlton Circle
New Windsor, NY 12553

Lech, John J. & Eleanor R. X
407 Carlton Circle
New Windsor, NY 12553

Sollas, Richard & Sandra X
405 Carlton Circle
New Windsor, NY 12553

Stern, Gary & Amy X
403 Carlton Circle
New Windsor, NY 12553

Elias, Anthony P. & Carol M.
502 Balmoral Circle X
New Windsor, NY 12553

O'Connor, John J. & Randee X
504 Balmoral Circle
New Windsor, NY 12553

Borgia, Frank & Jacqueline
508 Balmoral Circle X
New Windsor, NY 12553

Gray, Val S. & Marcie B. X
510 Balmoral Circle
New Windsor, NY 12553

Pitts, Hiram S. & Lula B. X
512 Balmoral Circle
New Windsor, NY 12553

Jennings, Michael P. & Susan A.
514 Balmoral Circle X
New Windsor, NY 12553

Moriarity, Eileen X
516 Balmoral Circle
New Windsor, NY 12553

Lopez, Louis A. & Albertina
518 Balmoral Circle
New Windsor, NY 12553 X

Sarich, Emil W. & Leda X
520 Balmoral Circle
New Windsor, NY 12553

Raven, Dorothy
522 Balmoral Circle X
New Windsor, NY 12553

Werner, Theresa M. & Elizabeth J.
524 Balmoral Circle X
New Windsor, NY 12553

Natkiel, Noel G. & Marilyne X
526 Balmoral Circle
New Windsor, NY 12553

Koesterer, William & Mary
528 Balmoral Circle X
New Windsor, NY 12553

Shewring, Elizabeth & Louis W. Haines
530 Balmoral Circle
New Windsor, NY 12553 X

Sabino, Arnold A. & JoEllen
501 Balmoral Circle
New Windsor, NY 12553 X

Kopko, Frank A. & Annemarie G.
125 Glendale Dr.
New Windsor, NY 12553 X

McDonald, Michael D. & Moira
127 Glendale Dr.
New Windsor, NY 12553 X

Weir, Walter & Linda E.
129 Glendale Dr.
New Windsor, NY 12553 X

Toffler, Lillian & Harold
81 Harth Dr.
New Windsor, NY 12553 X

County of Orange
255-275 Main St.
Goshen, NY 10924 X

Soricelli, Dennis & Patricia R.
511 Balmoral Circle
New Windsor, NY 12553 X

Doerr, Robert Paul & Ellen
507 Balmoral Circle
New Windsor, NY 12553 X

Soricelli, Frank & Linda
525 Balmoral Circle
New Windsor, NY 12553 X

Lupo, John F. & Linda
517 Balmoral Circle
New Windsor, NY 12553 X

Haley, Joseph V. & Alice M.
233 Oak Street
New Windsor, NY 12553 X

Ruggiero, Isadore C. & Concetta
235 Oak St.
New Windsor, NY 12553 X

Bynum, Melvin & Eva
237 Oak St.
New Windsor, NY 12553 X

Laverty, Robert L. & Ruth W.
239 Spruce St.
New Windsor, NY 12553 X

Mullin, Dennis & Ann
241 Spruce St.
New Windsor, NY 12553 X

Chewens, Robert F. & Luciana
242 Spruce St.
New Windsor, NY 12553 X

Kosecsky, Joseph X
223 Garden St.
New Windsor, NY 12553

Antonelli, Elizabeth C. X
6 Garden St.
New Windsor, NY 12553

Christie, Robert & Christina
227 Garden St.
New Windsor, NY 12553 X

Chiarella, Joseph & Gloria
229 Garden St.
New Windsor, NY 12553 X

Wilkinson, George & Antoinette
231 Garden St.
New Windsor, NY 12553 X

Banulis, Bernard W. & Balbina P.
240 Spruce St.
New Windsor, NY 12553 X

June 8, 1992

1

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
JUNE 8, 1992

MEMBERS PRESENT: RICHARD FENWICK, CHAIRMAN
DAN KONKOL
LARRY TORLEY
JAMES NUGENT
TED TANNER

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

DANIEL LUCIA, ESQ.
ZONING BOARD ATTORNEY

ABSENT: PAT BARHNART
SECRETARY

MR. FENWICK: I'd like to call to order the June 8, 1992 Zoning Board of Appeals meeting. We'll postpone any approval, we do not have the minutes of the May 11 meeting available.

PRELIMINARY MEETING:

REED, THOMAS & CLAIRE

MR. FENWICK: Tell us what you want to do.

MRS. REED: I want to put a roof over my deck and screen it in.

MR. FENWICK: Apparently the variance must be for a deck that's pre-existing.

MR. BABCOCK: Yes, existing deck that they want to put a screen room on.

MR. FENWICK: Pre-existing deck that's encroached on a

June 8, 1992
rear yard or something?

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MR. BABCOCK: Right.

MR. TORLEY: When was the deck put on the house?

MRS. REED: I think the deck replaced an existing deck that we bought the house with 5 years ago. This deck was put on two or three years ago.

MR. TORLEY: This replaces an existing deck?

MRS. REED: Yes.

MR. TORLEY: How old is your house?

MRS. REED: Like 20 years old, I'm not sure why it would, why the first one would have been off by 7 feet but.

MR. TORLEY: It may have been there before zoning.

MR. FENWICK: I don't think so.

MR. NUGENT: Not 20 years ago.

MR. BABCOCK: It was built in 1974. If it was built in 1974, it should have met the setbacks.

MR. FENWICK: We don't have anything on record of a deck for this piece of property.

MR. LUCIA: There's a note 1987.

MR. BABCOCK: Year built 1987 as far as the tax records and that's what she's saying.

MRS. REED: We bought it in '87 with a deck on it.

MR. BABCOCK: What happens when they bought it they probably got re-assessed and that's when they picked the deck up.

MRS. REED: But it wasn't the problem then.

June 8, 1992

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MR. FENWICK: But there wasn't a C.O. for the deck and there's been no application for the deck.

MR. BABCOCK: This is an application for the deck.

MRS. REED: So that deck that I bought it with in '87 wasn't, right?

MR. FENWICK: That's right.

MRS. REED: Wasn't anybody supposed to tell you that?

MR. FENWICK: Somebody was and didn't.

MR. LUCIA: It depends what kind of a search was done in terms of the building records. Your survey may have shown offsets from the deck to the property line if you knew what the zoning requirement was.

MRS. REED: Is that more of a problem now?

MR. LUCIA: No, I mean when you make your application in fact what this board has to do in order to grant you a variance is find something called practical difficulty. What you have to do is establish that, come in and show what the practical difficulties affecting this deck are and what significant economic injury you'd suffer if you couldn't have a deck. You bought the house presuming it had a legal deck and I assume that that played some part in your determining you're going to pay X dollars for the house. If the house didn't have a deck you might have paid less. You now find that you would have a financial impact if the town said you had to cut six feet off your deck and would therefore reduce the value of the house and so that's the kind of economic showing you need to explain to this board. I'd lay out the history and show if you are not allowed to continue having the deck with the size that it is and the location how that would economically impact.

MR. TORLEY: Now he's told you what you should say.

June 8, 1992

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MR. LUCIA: When you come back, I'd like to see a copy of the deed and title policy and some photographs of the deck and the back yard.

MR. TORLEY: The other reason you do this now if you are going to sell the house without that C.O. the deal won't go through.

MRS. REED: Do you know that house was sold twice?

MR. BABCOCK: It depends on the bank, if the banks ask for it, we tell them. If they don't ask, we don't tell them.

MRS. REED: I'm sure the second owner didn't find the deck.

MR. FENWICK: Can we have a motion?

MR. NUGENT: I make a motion we set her up for a public hearing.

MR. TANNER: I'll second it.

ROLL CALL

MR. NUGENT	AYE
MR. TANNER	AYE
MR. TORLEY	AYE
MR. KONKOL	AYE
MR. FENWICK	AYE

MR. FENWICK: This is your application, did you explain to her the fees?

MR. LUCIA: Not as yet. You'll have to fill out this application, there's a cover sheet that explains what you have to do. Pat Barnhart who is the Zoning Board secretary is not here. If you have problem, give her a call. You have to return that to her along with 2 checks, one for which is the application fee, another one for \$250 which is the deposit against town consultant review fees and publication costs and transcripts and any other expense that the town has in

June 8, 1992

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connection with the application. So if you return the checks, the application to Pat she can set you up for a public hearing and that's your next step.

MR. FENWICK: Just out of curiosity, this came to light when you were going to get a building permit to put the roof on?

MRS. REED: Put the roof on.

MR. LUCIA: Once you're through, you'll be all set.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Prelim.

June 8th
7:30 pm.

92-17

DATE: 5-8-92

APPLICANT: THOMAS REED
506 BALMORAL CIRCLE
NEW WINDSOR NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 4-28-92
FOR (BUILDING PERMIT) (EXISTING) 12X14 WOOD DECK - PROPOSED ROOF OVER
LOCATED AT 506 BALMORAL CIRCLE
ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 25 BLOCK: 5 LOT: 33
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT
REAR YARD SET-BACK

Frank Lin
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>G-10</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD. <u>40</u>	<u>33</u>	<u>7</u>
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		

New Windsor NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 4-28-92
FOR (BUILDING PERMIT) (EXISTING) 12x14 WOOD DECK - PROPOSED ROOF OVER
LOCATED AT 506 BALMORAL CIRCLE

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 25 BLOCK: 5 LOT: 33

ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT
REAR YARD SET-BACK

Frank Lin
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE	<u>R-4</u>	USE	<u>G-10</u>
MIN. LOT AREA			
MIN. LOT WIDTH			
REQ'D FRONT YD			
REQ'D SIDE YD.			
REQ'D TOTAL SIDE YD.			
REQ'D REAR YD.	<u>40</u>	<u>33</u>	<u>7</u>
REQ'D FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEV. COVERAGE			

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

(914) 363-4630

CC: Z.B.A., APPLICANT, B.P. FILE

IMPORTANT REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Thomas & Claire Reed
 Address 506 BALMORIEL Circle Phone 561-6485
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor J & K Home Improvements
 Address 41 Winkwood Dr. Newburgh Phone 561-0018
 State whether applicant is owner, lessee, agent, architect, engineer or builder Contractor
 If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the North side of BALMORIEL Circle
 (N.S.E. or W.)
 and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 25 Block 5 Lot 33
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy EXISTING DECK b. Intended use and occupancy SCREEN ROOM
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration X Repair _____

APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Thomas & Claire Reed
Address 506 BALDWIN Circle Phone 561-6489
Name of Architect _____
Address _____ Phone _____
Name of Contractor J & K Home Improvements
Address 41 Wainwright Dr. Newburgh Phone 562-0018
State whether applicant is owner, lessee, agent, architect, engineer or builder Contractor
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the NORTH side of BALDWIN Circle
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 25 Block 5 Lot 33
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy EXISTING DECK b. Intended use and occupancy SCREEN ROOM
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration X Repair _____
Removal _____ Demolition _____ Other _____
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? NO
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost \$1760.00 Fee _____
(to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

Year Built 1987 TAX Records

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

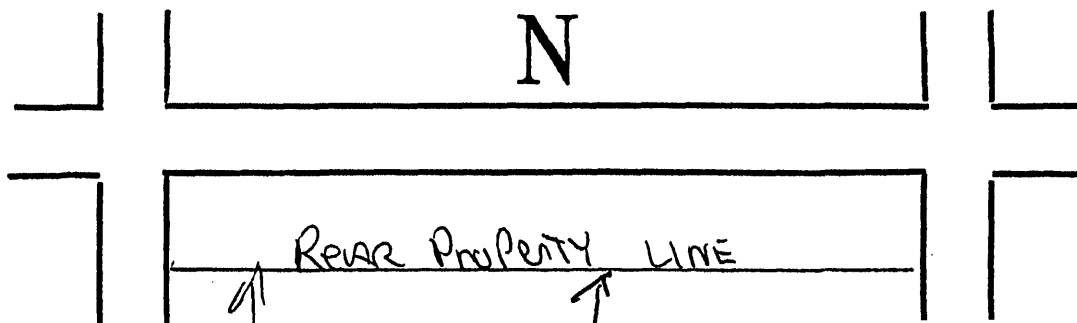
.....
(Signature of Applicant)

41 Windsor Dr. Newburgh
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Highway
Sewer
Water
Zoning Board of Appeals

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
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- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

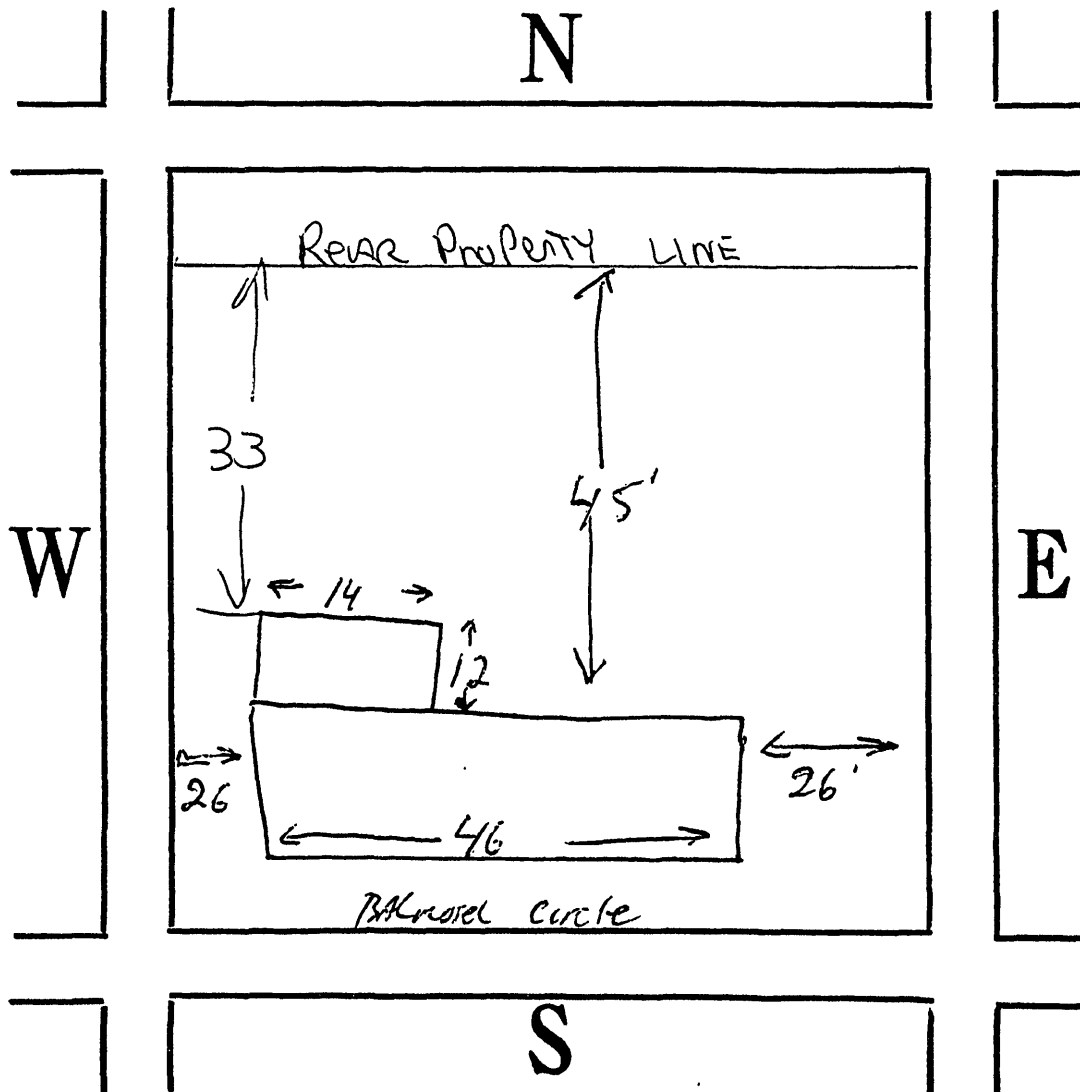
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.....
(Signature of Applicant)

41 Windsor Dr. Newburgh
(Address of Applicant)

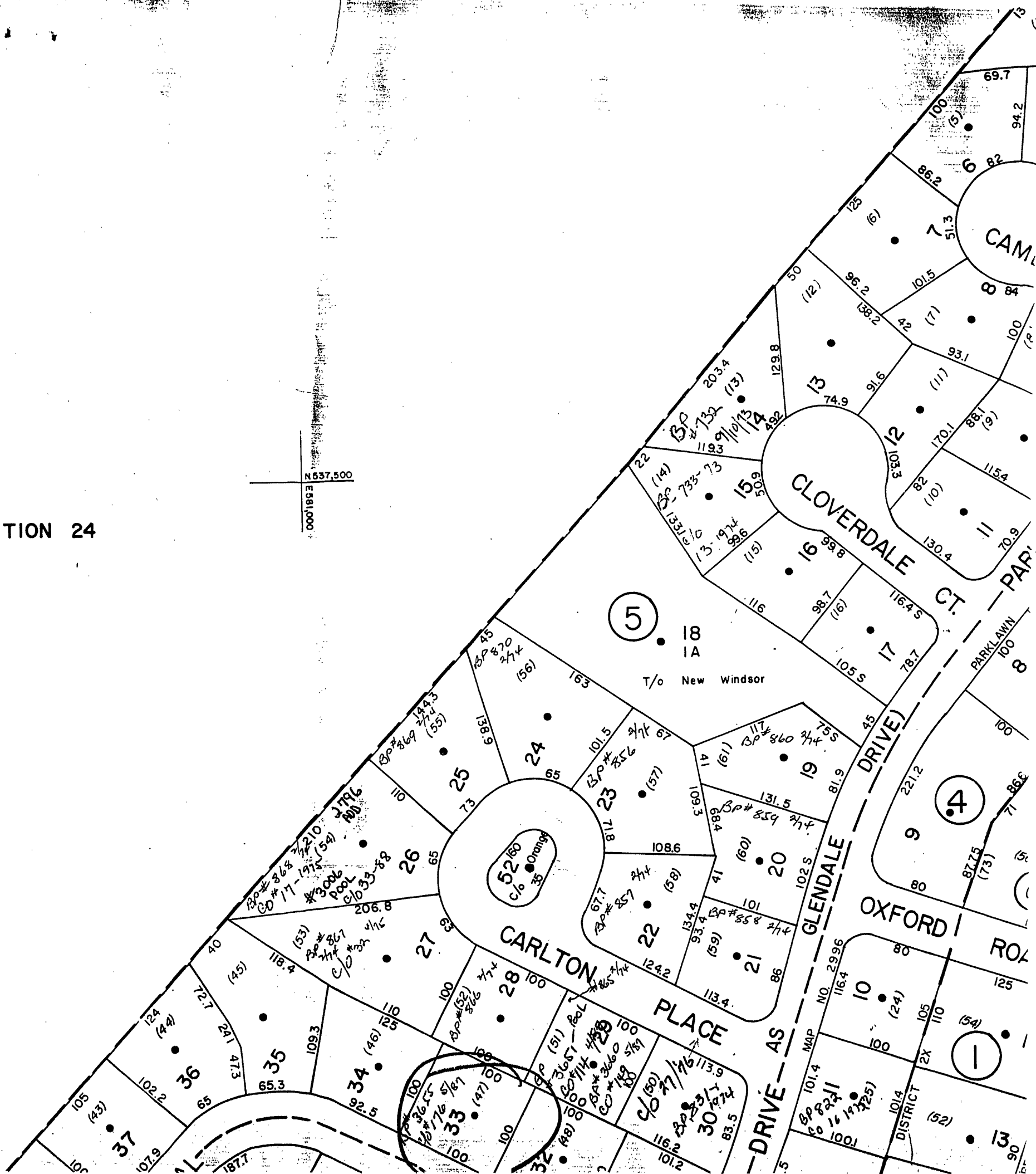
PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 24

N 537,500
E 561,000





ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Thomas M. & Clare M. Reed,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

92-17.

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On June 11, 1992, I compared the 65 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
11th day of June, 1992.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)



231

ALL NEWBURN SCHOOL DISTRICT
ALL VAN'S BAYE FIRE DISTRICT

Prepared by
AERO SERVICE CORPORATION
A DIVISION OF AERONAUTICAL INDUSTRIES
CORPORATION OF NEW YORK
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE LINE	PARCEL LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREA	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (FEET)	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY-NEW YORK

Photo No. 14-31-32 Date of Map: 9-24-67
Date of Photo: 3-1-62 Date of Revision: 3-1-61
Scale: 1" = 100'

TOWN OF NEW WINDSOR

Section No. 25

This Indenture, made the 16th day of April nineteen hundred and eighty-seven

Between HARRY G. SMEENK, residing at 506 Balmoral Circle,
New Windsor, New York 12550

party of the first part, and

THOMAS REED and CLARE MARIE REED, his wife, both residing at 75-15 182nd
Street, Flushing, New York

party of the second part,

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

New Windsor, County of Orange, State of New York, being shown and designated as Lot #47 on a filed map entitled "Plan of Subdivision Parklawn", Town of New Windsor, Orange County, New York made by Eustance & Horowitz, P.C., dated 10/11/72, revised 2/20/73, revised 2/21/73 and filed in the Orange County Clerk's Office on 5/22/73 at Pocket 15 Folder A as filed Map. No. 1996.

Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **To Have And To Hold** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.
And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way.

11
544
party of the first part, and

THOMAS REED and CLARE MARIE REED, his wife, both residing at 75-15 182nd Street, Flushing, New York

party of the second part,

Witnesseth, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

25
5
33
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Together with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises; To Have And To Hold the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.


And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

In Witness Whereof, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


HARRY G. SMEENK

LIBER 2738 PG 275

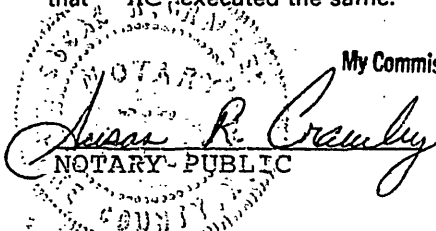
North Carolina

STATE OF NEW YORK, COUNTY OF Wake ss:

On the 16 day of April 1987, before me personally came

HARRY G. SMEENK

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.



My Commission Expires Nov 27 1989

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed

With Covenant Against Grantor's Acts

Title No. 87 BE 260586

HARRY G. SMEENK

TO

THOMAS REED and CLARE MARIE REED

Standard Form of New York
Board of Title Underwriters
Distributed by

USLIFE TITLE INSURANCE
Company of New York

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

; that he knows
to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION 25

BLOCK 5

LOT 33

CITY OR TOWN NEW WINSTON

COUNTY ORANGE

Recorded at Request of

USLIFE TITLE INSURANCE

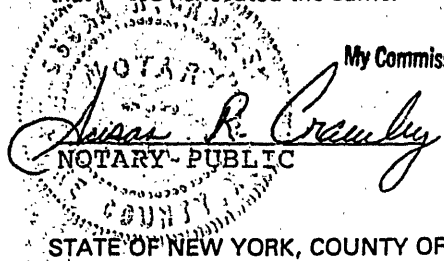
Company of New York

RETURN BY MAIL TO

PATRICK WYNNE, SR., ESQ.
3453 E. Tremont Avenue
Bronx, New York 10465

Zip No.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.



My Commission Expires Nov 27 1989

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

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the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

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to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw

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Bargain and Sale Deed

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THOMAS REED and CLARE MARIE REED

Standard Form of New York
Board of Title Underwriters
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USLIFE TITLE INSURANCE
Company of New York

SECTION 25

BLOCK 5

LOT 33

CITY OR TOWN NEW WINDSOR

COUNTY ORANGE

Recorded at Request of

USLIFE TITLE INSURANCE

Company of New York

RETURN BY MAIL TO

PATRICK WYNNE, SR., ESQ.
3453 E. Tremont Avenue
Bronx, New York 10465

Zip No.

RESERVE THIS SPACE FOR
USE OF RECORDING OFFICE

LIBER 2738 PG 276

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-17

Date: 6/8/92

I. Applicant Information:

- (a) Thomas + Clare Reed 506 Balmoral Circle New Windsor, NY 561-6499
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee) (212)
- (c) Wynne + Wynne 3453 E. Tremont Avenue Bronx, NY 10465 828-8270
(Name, address and phone of attorney)
- (d) J+K Home Improvements 41 Windwood Drive Newburgh, NY 12550 567-0018
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- ✓(a) R-4 506 Balmoral Circle New Windsor 25-5-33 100' x 100'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A.
- (c) Is a pending sale or lease subject to ZBA approval of this application? no.
- (d) When was property purchased by present owner? 6/23/87.
- ✓(e) Has property been subdivided previously? ?.
- ✓(f) Has property been subject of variance previously? no.
If so, when? _____.
- ✓(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no.
- ✓(h) Is there any outside storage at the property now or is any proposed? Describe in detail: no
- _____

_____.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

_____.

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 8-12, Table of Use/Bulk Regs. Regs., Col. G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd. <u>40</u>	<u>33</u>	<u>7</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

The house was purchased with a deck and the purchase price was in part based on the existence of the deck. Removal of the deck would result in decreased home value and an economic loss for the owner. Also removal of the deck would render the only rear exits from the home (2nd story) useless.

VI. Sign Variance: NOT APPLICABLE

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Screening and exterior of deck will match rest of house.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement. (closing)
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Check in the amount of \$ 50. payable to TOWN OF NEW WINDSOR. 250.
- ☒ Photographs of existing premises which show all present

X. Affidavit.

Date: 6/10/92.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x Clare Marie Reed
(Applicant)

Sworn to before me this

10th day of June, 19 92.

Patricia A. Barnhart

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993.

(a) Public Hearing date: _____.

(b) Variance: Granted ☐ Denied ☐

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 17

Request of THOMAS REED and CLAIRE REED

for a VARIANCE of

the regulations of the Zoning Local Law to
permit construction of roof over wooden deck with
insufficient rear yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. Col. G

for property situated as follows:

506 Balmoral Circle, New Windsor, N. Y. 12553,
known and designated as tax map Section 25 - Block 5 -
Lot 33.

SAID HEARING will take place on the 22nd day of
June, 19 92, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman

Date 6/15/92, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550**

TO Frances Ruth 359 Moores Hill Rd DR.

New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
6/8/92	New Windsor Zoning Board	75 00	
	Reed - pgs - 5 pgs 22.50		
	Fitzgerald - 4 pgs 18.00		
	Borden - 5 pgs 22.50		
	Andoan - 15 4 67.50		
	Bonet - 5 22.50.		
	AA -		
		225 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

James P. [Signature]

No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

Clerk